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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,245	11/14/2003	Timothy Michael Rooney	DN2003187	2475

27280 7590 11/16/2005

THE GOODYEAR TIRE & RUBBER COMPANY
INTELLECTUAL PROPERTY DEPARTMENT 823
1144 EAST MARKET STREET
AKRON, OH 44316-0001

EXAMINER

MAKI, STEVEN D

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

28

Office Action Summary	Application No. 10/714,245	Applicant(s) ROONEY ET AL.	
	Examiner Steven D. Maki	Art Unit 1733	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) **Claims 1-2, 4-10 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz (BFGoodrich Mud-Terrain T/A KM) in view of Rooney 774 (US 6401774) and/or French 341 (FR 1163341).**

Shontz shows a pneumatic mud tire (off-road tire) having a tread comprising center lugs, shoulder lugs and lateral grooves, and a "low height tread element" in the lateral groove between circumferentially adjacent shoulder lugs. The walls of the lugs are generally perpendicular to the tread surface such that the groove width at the tread surface generally corresponds to the groove width at the bottom of the lateral groove. See photographs, especially the second from the top on page 1 and the bottom left on page 2. The tire may have various sizes as indicated on the bottom left on page 1. The tire is shown and described as being installed on a Jeep TJ. The description of "light truck or passenger vehicle pneumatic tire" reads on and fails to require tire structure different from that disclosed by Shontz. The "low height tread element" in the tire shown by Shontz extends into a "shoulder region", but does not have a base width greater than 50% of the lateral groove width.

As to claim 1, it would have been obvious to one of ordinary skill in the art to provide the "low height tread element" in the off-road tire shown by Shontz as an elongated pad having:

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a base width greater than 50% of the lateral groove width as measured at the tread surface and

deflecting walls initiating at a base of a tread element block wall

in view of (1) Rooney 774's suggestion to configure a "low height tread element" of an off-road tire as an elongated pad having "deflecting walls" and a base width Z greater than 50% of a distance Y between tread lugs so that the off-road tire has structure *for preventing puncture* and deflecting debris and /or (2) French 341's suggestion to locate a projection, which has a height less than tread elements, at the bottom of a groove of a tire tread *to protect the tread against accidental cuts* wherein as illustrated for example in figure 12, each "deflecting wall" of the projection initiates at a base of a tread element wall.

As to claim 2, the tire shown by Shontz has a low height tread element in every lateral groove.

As to claims 4-6, 8-9 and 12-14, the claimed pad limitations are suggested by Rooney 774 and/or French 341. As to claim 13, Rooney 774 suggests tapered ends.

As to claim 10, the low height tread elements of the tire shown by Shontz extend into the shoulder region.

As to claim 7, it would have been obvious to provide the low height tread elements with non-constant width in view of French 341's suggestion to provide a low height tread element with non-constant width (figure 8).

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3) Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz in view of Rooney 774 and/or French 341 as applied above and further in view of McMannis (US 6533007), Guidry (US D469,737) or Floria (US D202254).

As to claim 3, it would have been obvious to provide the low height tread elements with different radial lengths as claimed in view of the suggestion from McMannis, Guidry or Floria to use varying length structures in a shoulder region of a tire. See figures.

4) Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz in view of Rooney 774 and/or French 341 as applied above and further in view of Rooney 926 (US 2004/0123926).

As to claim 7, it would have been obvious to provide the low height tread elements with non-constant width in view of Rooney 926's suggestion to provide elongated pads with non-constant width.

5) Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shontz in view of Rooney and/or French 341 as applied above and further in view of BFGoodrich Tires Introduces Krawler T/A or the admitted prior art (paragraph 5 of specification).

As to claim 11, it would have been obvious to provide the low height tread elements in every other groove since (1) BFGoodrich Tires Introduces Krawler T/A shows an off-road tire having a low height tread element between every other pair of shoulder lugs or (2) the admitted prior art teaches that every other shoulder groove of the BFGoodrich Krawler have a very thin rib at the base of the groove whereas every

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shoulder groove of the BFGoodrich Mud-Terrain have a very thin rib at the base of the groove.

Remarks

6) Applicant's arguments filed 8-25-05 have been fully considered but they are not persuasive.

With respect to Shontz, applicant agrees that the Mud-Terrain has a very thin rib in the base of the lateral zone transverse grooves. See page 6 of response filed 8-25-05. The examiner is also supplying another copy of pages 1-3 of Shontz and four additional pages (200% and 400% enlargements of the photo on page 1 of Shontz and the photo on page 2 of Shontz).

Applicant argues that Rooney 774 is silent about the pad's deflecting walls initiating at the base of the tread element block wall. This argument is not persuasive since Rooney 774's teaching to provide the page with a pad width Z of at least 50% Y to prevent punctures and abrasions fairly suggests using a pad extending substantially across the entire width between adjacent tread elements such that the walls of the pad "initiate" at the base of the block wall - only the expected results (protection against punctures and abrasions across substantially the entire width between the tread elements) being obtained. In any event, note the application of French 341, which at least in figure 12, shows a pad having "deflecting walls initiating at the base of a tread element wall".

7) No claim is allowed.

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8) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

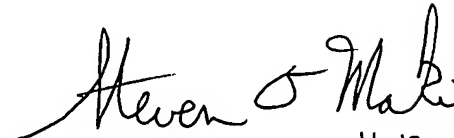
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
November 12, 2005


STEVEN D. MAKI 11-12-05
PRIMARY EXAMINER